

REMARKS

In accordance with the foregoing, claims 1, 10, 19, and 28 have been amended to distinguish from the prior art, claims 2, 11, and 20 have been amended to improve style, and claims 1-36 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-2, 4-11, 13-20, 22-29, and 31-36 are rejected under 35 U.S.C. §102(b) as being anticipated by Lynch et al. (U.S. Patent No. 5,438,423), hereinafter "Lynch." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that amended claim 1 now recites "**simultaneously** recording received compressed data on both the first data storage medium and a second data storage medium without the timeshift function if a recording command that requires data to be recorded on the second data storage medium is received." In contrast, Lynch teaches a recording/reproducing apparatus that sequentially (as opposed to simultaneously) records data to a dynamic buffer and then records the buffered data to a static buffer or video cassette recorder (VCR) (column 3, lines 22-38). That is, when a recording command to record data to a second data storage medium is received, the recording/reproducing apparatus disclosed in Lynch does not simultaneously record the data to the first and second storage media, but transfers the data from the first data storage medium (the dynamic buffer) to the second data storage medium (the VCR or the static buffer) (column 3, lines 22-28). Therefore, the Applicants respectfully submit that Lynch fails to disclose, implicitly or explicitly, a recording/reproducing apparatus that simultaneously records received data on both a first storage medium with a timeshift function and a second storage medium without a timeshift function, as recited in amended claim 1.

Regarding the rejection of claim 2, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that while Lynch does teach an encoder (the compression circuit described in column 2, lines 16-19), Lynch does not disclose, implicitly or explicitly, an encoder that controls a generation amount of data according to a recording bit rate of the second data storage medium, as recited in claim 2.

Regarding the rejection of claims 4 and 9, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 5-8, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 5-8 in the rejection under 102(b) in view of Lynch, and respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 10, it is noted that amended claim 10 now recites a digital recording/reproducing apparatus that "automatically reads the compressed data recorded on the first data storage medium if a predetermined amount of compressed data is recorded on the first data storage medium." In contrast, Lynch teaches a recording/reproducing apparatus that reads data out of a first data storage medium (a dynamic buffer) to be recorded onto a second data storage medium (the VCR or the static buffer) according to "commands generated by a viewer" (column 2, lines 34-35 and 38-40). That is, rather than automatically reading the data out of the first data storage medium when a predetermined amount of the data has been recorded therein, the recording/reproducing apparatus disclosed in Lynch only reads the data out of the first data storage medium according to a user command. Therefore, the Applicants respectfully submit that Lynch fails to disclose, implicitly or explicitly, a recording/reproducing apparatus that automatically transfers data from a first data storage medium to a second data storage medium, as recited in amended claim 10.

Regarding the rejection of claim 11, it is noted that this claim depends from claim 10 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that while Lynch does teach an encoder (the compression circuit described in column 2, lines 16-19), Lynch does not disclose, implicitly or explicitly, an encoder that controls a generation amount of data according to a recording bit rate of the second data storage medium, as recited in claim 11.

Regarding the rejection of claims 13 and 18, it is noted that these claims depend from claim 10 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 14-17, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 14-17 in the rejection under 102(b) in view of Lynch, and respectfully request that the rejection be

withdrawn.

Regarding the rejection of independent claim 19, it is noted that amended claim 19 now recites “**simultaneously** recording the compressed data on both a first data storage medium with the timeshift function and the second data storage medium.” In contrast, Lynch teaches a recording/reproducing apparatus that sequentially (as opposed to simultaneously) records data to a dynamic buffer and then records the buffered data to a static buffer or video cassette recorder (VCR) (column 3, lines 22-38). That is, when a recording command to record data to a second data storage medium is received, the recording/reproducing apparatus disclosed in Lynch does not simultaneously record the data to the first and second storage media, but transfers the data from the first data storage medium (the dynamic buffer) to the second data storage medium (the VCR or the static buffer) (column 3, lines 22-28). Therefore, the Applicants respectfully submit that Lynch fails to disclose, implicitly or explicitly, a simultaneous recording of received data on both a first storage medium with a timeshift function and a second storage medium without a timeshift function, as recited in amended claim 19.

Regarding the rejection of claim 20, it is noted that this claim depends from claim 19 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that Lynch does not disclose, implicitly or explicitly, a controlling of a generation amount of data according to a recording bit rate of the second data storage medium, as recited in claim 20.

Regarding the rejection of claims 22 and 27, it is noted that these claims depend from claim 19 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 23-26, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 23-26 in the rejection under 102(b) in view of Lynch, and respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 28, it is noted that amended claim 28 now recites “automatically reading the compressed data recorded on the first data storage medium” if a predetermined amount of compressed data is recorded on the first data storage medium. In contrast, Lynch teaches a recording/reproducing apparatus that reads data out of a first data storage medium (a dynamic buffer) to be recorded onto a second data storage medium (the VCR or the static buffer) according to “commands generated by a viewer” (column 2, lines 34-35

and 38-40). That is, rather than automatically reading the data out of the first data storage medium when a predetermined amount of the data has been recorded therein, the recording/reproducing apparatus disclosed in Lynch only reads the data out of the first data storage medium according to a user command. Therefore, the Applicants respectfully submit that Lynch fails to disclose, implicitly or explicitly, an automatic transfer of data from a first data storage medium to a second data storage medium, as recited in amended claim 28.

Regarding the rejection of claim 29, it is noted that this claim depends from claim 28 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that Lynch does not disclose, implicitly or explicitly, an adjusting of a generation amount of data according to a recording bit rate of the second data storage medium, as recited in claim 29.

Regarding the rejection of claims 31 and 36, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 32-35, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 32-35 in the rejection under 102(b) in view of Lynch, and respectfully request that the rejection be withdrawn.

Claims 1, 3-10, 12-19, 21-28, and 30-36 are rejected under 35 U.S.C. §102(b) as being anticipated by Kuroda (U.S. Patent No. 6,311,011), hereinafter "Kuroda." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that amended claim 1 now recites "**simultaneously** recording received compressed data on both the first data storage medium and a second data storage medium without the timeshift function if a recording command that requires data to be recorded on the second data storage medium is received." In contrast, Kuroda teaches a recording/reproducing apparatus that sequentially (as opposed to simultaneously) records data to a temporary storage device and then transfers the temporarily stored data to another storage device (column 5, lines 42-52; column 6, lines 13-15; and column 6, lines 38-40). That is, when a recording command to record data to a second data storage medium is received, the recording/reproducing apparatus disclosed in Kuroda does not simultaneously record the data to the first and second storage media, but transfers the data from the first data storage medium (the temporary storage device) to the second data storage

medium (the other storage device) (column 5, lines 42-52; column 6, lines 13-15; and column 6, lines 38-40). Specifically, Kuroda discloses three methods of recording data. In a first embodiment, the video recorder/player of Kuroda begins to record a program in a temporary storage device, completes recording the program to a selected storage device, and merges the two recorded portions in the selected storage device (column 5, lines 42-52; and FIG. 3). In second and third embodiments, the video recorder/player of Kuroda records the entire program to the temporary storage device and then transfers the recorded program to the selected storage device (column 6, lines 13-15; column 6, lines 38-40; and FIGs. 7-8). Therefore, the Applicants respectfully submit that Kuroda fails to disclose, implicitly or explicitly, a recording/reproducing apparatus that simultaneously records received data on both a first storage medium with a timeshift function and a second storage medium without a timeshift function, as recited in amended claim 1.

Regarding the rejection of claims 3, 4, and 9, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 5-8, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 5-8 in the rejection under 102(b) in view of Kuroda, and respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 10, it is noted that amended claim 10 now recites a digital recording/reproducing apparatus that "automatically reads the compressed data recorded on the first data storage medium if a predetermined amount of compressed data is recorded on the first data storage medium." In contrast, Kuroda teaches a recording/reproducing apparatus that reads data out of a first data storage medium (a temporary storage device) to be recorded onto a second data storage medium (a selected device) when the second data storage medium is selected (column 5, lines 42-52; and FIG. 3), as content signals of the data are received (column 6, lines 16-19; and FIG. 7), or when a recording operation is completed (column 6, lines 38-40; and FIG. 8). That is, rather than automatically reading the data out of the first data storage medium when a predetermined amount of the data has been recorded therein, the recording/reproducing apparatus disclosed in Kuroda does not at all consider a predetermined amount of the recorded data when transferring the data from the temporary storage device. Therefore, the Applicants respectfully submit that Kuroda fails to

disclose, implicitly or explicitly, a recording/reproducing apparatus that automatically transfers data from a first data storage medium to a second data storage medium when a predetermined amount of the compressed data is recorded, as recited in amended claim 10.

Regarding the rejection of claims 12, 13, and 18, it is noted that these claims depend from claim 10 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 14-17, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 5-8 in the rejection under 102(b) in view of Kuroda, and respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 19, it is noted that amended claim 19 now recites "**simultaneously** recording the compressed data on both a first data storage medium with the timeshift function and the second data storage medium." In contrast, Kuroda teaches a recording/reproducing apparatus that sequentially (as opposed to simultaneously) records data to a temporary storage device and then transfers the temporarily stored data to another storage device (column 5, lines 42-52; column 6, lines 13-15; and column 6, lines 38-40). That is, when a recording command to record data to a second data storage medium is received, the recording/reproducing apparatus disclosed in Kuroda does not simultaneously record the data to the first and second storage media, but transfers the data from the first data storage medium (the temporary storage device) to the second data storage medium (the other storage device) (column 5, lines 42-52; column 6, lines 13-15; and column 6, lines 38-40). Specifically, Kuroda discloses three methods of recording data. In a first embodiment, the video recorder/player of Kuroda begins to record a program in a temporary storage device, completes recording the program to a selected storage device, and merges the two recorded portions in the selected storage device (column 5, lines 42-52; and FIG. 3). In second and third embodiments, the video recorder/player of Kuroda records the entire program to the temporary storage device and then transfers the recorded program to the selected storage device (column 6, lines 13-15; column 6, lines 38-40; and FIGs. 7-8). Therefore, the Applicants respectfully submit that Kuroda fails to disclose, implicitly or explicitly, a simultaneous recording of received data on both a first storage medium with a timeshift function and a second storage medium without a timeshift function, as recited in amended claim 19.

Regarding the rejection of claims 21, 22, and 27, it is noted that these claims depend from claim 19 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 23-26, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 5-8 in the rejection under 102(b) in view of Kuroda, and respectfully request that the rejection be withdrawn.

Regarding the rejection of independent claim 28, it is noted that amended claim 28 now recites "automatically reading the compressed data recorded on the first data storage medium" if a predetermined amount of compressed data is recorded on the first data storage medium. In contrast, Kuroda teaches a recording/reproducing apparatus that reads data out of a first data storage medium (a temporary storage device) to be recorded onto a second data storage medium (a selected device) when the second data storage medium is selected (column 5, lines 42-52; and FIG. 3), as content signals of the data are received (column 6, lines 16-19; and FIG. 7), or when a recording operation is completed (column 6, lines 38-40; and FIG. 8). That is, rather than automatically reading the data out of the first data storage medium when a predetermined amount of the data has been recorded therein, the recording/reproducing apparatus disclosed in Kuroda does not at all consider a predetermined amount of the recorded data when transferring the data from the temporary storage device. Therefore, the Applicants respectfully submit that Kuroda fails to disclose, implicitly or explicitly, an automatic transfer of data from a first data storage medium to a second data storage medium when a predetermined amount of the compressed data is recorded, as recited in amended claim 28.

Regarding the rejection of claims 30, 31, and 36, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 32-35, Applicants note that on page 5, Section 5 of the Office Action, Examiner states that Lynch fails to disclose the second data storage medium as an optical disc. Therefore, Applicants believe that the Examiner mistakenly included claims 5-8 in the rejection under 102(b) in view of Kuroda, and respectfully request that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 5-8, 14-17, 23-26, and 32-35 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Lynch in view of Yuen (U.S. Patent Application Publication No.2002/0186957). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 5, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 6, it is noted that this claim depends from claim 5 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 7, it is noted that this claim depends from claim 4 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 8, it is noted that this claim depends from claim 7 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 14, it is noted that this claim depends from claim 10 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 15, it is noted that this claim depends from claim 14 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 16, it is noted that this claim depends from claim 13 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 17, it is noted that this claim depends from claim 16 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 23, it is noted that this claim depends from claim 19 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 24, it is noted that this claim depends from claim 23 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 25, it is noted that this claim depends from claim 22 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 26, it is noted that this claim depends from claim 25 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 32, it is noted that this claim depends from claim 28 and

is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 33, it is noted that this claim depends from claim 32 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 34, it is noted that this claim depends from claim 31 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 35, it is noted that this claim depends from claim 34 and is, therefore, allowable for at least the reasons set forth above.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

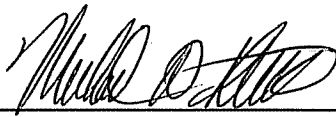
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 1/31/08

By: 
Michael D. Stein
Registration No. 37,240

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510